

The Gazette of India



EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, FRIDAY, FEBRUARY 14, 1964/MAGHA 25, 1885

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 14th February, 1964:—

BILL NO. 5 OF 1964

A bill to regulate the procedure for the investigation and proof of the misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and for the presentation of an address by Parliament to the President.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Judges (Inquiry) Act, 1964. Short title and commencement.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) "Judge" means a Judge of the Supreme Court or of a High Court and includes the Chief Justice of India and the Chief Justice of a High Court;
 - 10 (b) "Special Tribunal" means a Special Tribunal constituted under section 3;
 - (c) "prescribed" means prescribed by rules made under this Act.
3. (1) If the President, on receipt of a report or otherwise, is of Investigation into misbehaviour or incapacity of Judge by Special Tribunal.
15 opinion that there are good grounds for making an investigation into the misbehaviour or incapacity of a Judge, he may constitute a Special Tribunal for the purpose of making such an investigation and forward the grounds of such investigation to the Special Tribunal.

(2) The Special Tribunal shall consist of such number of members, being not less than three in number, as the President may think fit to appoint from among persons who are or have been Judges of the Supreme Court and one of them shall be appointed by the President as the Chairman thereof. 5

(3) The Special Tribunal shall frame definite charges against the Judge on the basis of which the investigation is proposed to be held.

(4) Such charges together with a statement of the grounds on which each charge is based shall be communicated to the Judge and 10 he shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified in this behalf by the Special Tribunal.

(5) Where it is alleged that the Judge is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Special Tribunal may arrange 15 for the medical examination of the Judge by such Medical Board as may be appointed by the President for the purpose and the Judge shall submit himself to such medical examination within the time specified in this behalf by the Special Tribunal. 20

(6) The Medical Board shall undertake such medical examination of the Judge as may be considered necessary and submit a report to the Special Tribunal stating therein whether the incapacity is such as to render the Judge unfit to continue in office.

(7) The Special Tribunal may, after considering the written 25 statement of the Judge and the medical report, if any, amend the charges framed under sub-section (3) and in such a case, the Judge shall be given a reasonable opportunity of presenting a fresh written statement of defence.

(8) The President may, if he so thinks fit, appoint a person to 30 conduct the case against the Judge.

Report of
Special
Tribunal.

4. (1) Subject to any rules that may be made in this behalf, the Special Tribunal shall have power to regulate its own procedure in making the investigation and shall give a reasonable opportunity to the Judge of cross-examining witnesses, adducing evidence on 35 behalf of the defence and of being heard.

(2) After the close of the investigation, the Special Tribunal shall submit its report to the President stating therein its findings

on each of the charges separately with such observations on the whole case as it may think fit.

(3) The President shall cause the report submitted under subsection (2) to be laid before each House of Parliament.

5 of 1938.

5 5. For the purpose of making any investigation under this Act, the Special Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

Powers of
Special
Tribunal.

10 (a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on oath;

(d) issuing commissions for the examination of witnesses or documents;

15 (e) such other matters as may be prescribed.

6. Each House of Parliament may take into consideration the report of the Special Tribunal in relation to the misbehaviour or incapacity of a Judge and if the Judge is to be removed from his office on the ground of proved misbehaviour or incapacity, it shall
20 present an address to the President for such removal through the Speaker of the House of the People, or the Chairman of the Council of States, as the case may be.

Procedure
for presenta-
tion of
address by
Parliament.

7. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to
make rules.

25 (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in
30 the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of
35 anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Under the Constitution, a Judge of the Supreme Court or of a High Court may be removed from office on the ground of proved misbehaviour or incapacity of the Judge after an address has been presented to the President for such removal by each House of Parliament. This Bill seeks to regulate the procedure for the investigation and proof of the misbehaviour or incapacity of a Judge and for the presentation of an address to the President.

R. M. HAJARNAVIS.

NEW DELHI;

The 25th January, 1964.

FINANCIAL MEMORANDUM

The Bill provides for the constitution of a Special Tribunal for the purpose of making an investigation into the misbehaviour or incapacity of a Judge. The appointment of a Special Tribunal, if and when constituted, will involve some expenditure from the Consolidated Fund of India and the amount of expenditure will depend upon the nature of the investigation to be made by the Special Tribunal. It is not, however, possible at this stage to say whether it would be necessary to constitute any Special Tribunal or to give an estimate of the amount of expenditure, if any, likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill when enacted. The matters in respect of which rules may be made relate to the procedure to be followed by the Special Tribunal and the powers of the Special Tribunal. These are matters of detail and the delegation of legislative power is of a normal character.

BILL NO. 7 OF 1964

A bill to protect the Circus employees by bringing them under the operation of the Industrial Disputes Act, 1947 and the Workmen's Compensation Act, 1923, etc.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Circus Employees Act, 1964. Short title
and extent.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act unless the context otherwise requires:—

Definitions.

10 (a) "circus establishment" means any organisation which shows circus performances for the purpose of entertainment, registered as a company or otherwise, having more than 10 employees including artistes employed in it;

(b) "artistes" means—

15 (i) any person employed in performing physical feats or exercises or is under training for such performance in open or private circus shows; and

(ii) any person employed to look after, breed and tame animals or play with or ride on such animals;

20 (c) "employee" means any person employed by a circus establishment including the artistes in any capacity with or without written contracts;

(d) "management" means a proprietor, manager or any person acting on behalf of the proprietor or manager of the circus establishment.

Treatment of Employees. 3. An employee of a circus establishment shall be treated as "workman" within the meaning of section 2 (s) of the Industrial Disputes Act, 1947 and he shall be entitled to all the rights, privileges and obligations thereof. 14 of 1947.

Muster roll of employees. 4. The management of a circus establishment shall maintain a muster roll showing the names of all the employees employed by it either temporarily or permanently and shall keep it open for inspection by the Labour Inspector of the State Government in whose jurisdiction the circus establishment is then engaged in private or public shows. 10

Hours of work. 5. (1) No employee of a circus establishment shall be required to work in excess of eight hours a day or forty-eight hours a week and for every additional hour of work he shall be paid an amount equal to double the normal rates treating it as overtime work. 15

(2) In the case of employees under training the hours spent on training shall be counted as hours of work.

(3) The time spent by the employees on rehearsal exercises shall be counted as duty hours. 20

Freedom of movement to employees not on duty. 6. An employee when not on duty shall be free either to stay in his respective camp in the circus tent or to move about outside the tent without let or hindrance by the management.

Employment of and payment of wages to children. 7. (1) No management shall employ a child who is below twelve years of age. 25

(2) A circus establishment employing children in the age group of twelve and eighteen years shall do so after securing written consent from the parents of the said children.

(3) The monthly wages and allowances due to the said children shall be sent to their parents by money order every month after deducting the expenses for boarding and lodging as are admissible under the terms of employment. 30

Leave rules. 8. All employees shall be entitled to fifteen days' casual leave and thirty days' full pay leave every year and a register showing the leave account shall be maintained by every management and kept open for inspection by the Labour Inspector at any time during the normal working hours of the circus establishment. 35

9. If personal injury is caused to an employee by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of

Employer's liability for compensation.

8 of 1923. Chapter II of the Workmen's Compensation Act, 1923.

5 10. The payment of compensation in respect of an employee whose injury has resulted in death, shall be made to his or her parents or next of kin.

Payment of compensation to parents, etc.

11. The management that fails to comply with any one or more of the provisions of this Act shall be punishable with fine not exceeding two thousand rupees, or with imprisonment extending to a
10 period of six months, or with both.

Penalty.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to bring all the employees of the Circus establishments in India under the provisions of the Industrial Disputes Act, 1947, the Workmen's Compensation Act, 1923 and other labour laws.

The artists and employees on whose labour, sweat and lives the success of circus depends are treated very badly. Children, even below 10 years of age, sometimes destitutes, are employed and given very harsh treatment and training and are kept in perpetual terror by some unscrupulous managers. Female employees are not looked after properly and there are a number of instances of extreme outrageous behaviour. Wages are also not properly paid.

Therefore, it is necessary to prevent such ill-treatment meted out to a vast section of circus employees who trade upon their body, lives and existence. When progressive labour laws have been enacted to effect improvement in the working and living conditions of labour in general in this country after independence, it is undesirable to allow this ill-treatment to continue in an industry which employs more than 10,000 men, women and children.

Hence the Bill.

NEW DELHI;

ANANDA NAMBIAR.

The 12th December, 1968.

BILL No. 6 OF 1964

A bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1964. Short title and commencement.

5 (2) It shall come into force at once.

2. In section 5 of the Salaries and Allowances of Members of Parliament Act, 1954, after the existing proviso, the following further proviso shall be inserted, namely:— Amendment of section 5.

30 of 1954.

10 “Provided further that a member, on payment of difference between one first class railway fare and the air fare, shall be entitled to travel by air from and to his usual place of residence to the place where a Session of a House of Parliament or a sitting of a Committee is to be held or any other business connected with his duties as a member is to be transacted.”

STATEMENT OF OBJECTS AND REASONS

The members of Parliament from far off places like Manipur, Tripura, Assam, Kerala, Madras, Kashmir etc. find it very difficult to keep personal contact with their constituencies while they are in Delhi in connection with the Sessions of Parliament. Though the members are provided with a free railway pass, it takes generally a long time for them to go to and return from their constituency, which considerably affects their Parliamentary activities and as such they are deprived of the benefit of the free railway pass for which Government is paying.

So, it would be proper if the members are allowed to perform their journey by air on payment of difference between one first class railway fare and the air fare. This would considerably reduce their journey time and will help the members much without causing any extra strain on Government revenues.

Hence the Bill.

NEW DELHI;
The 18th December, 1963.

NIHAR RANJAN LASKAR.

FINANCIAL MEMORANDUM

The provisions of the Bill, if enacted, would no doubt involve expenditure. No exact estimate as to the amount of recurring and non-recurring expenditure that would be incurred can be given at present. But to start with, a non-recurring grant of Rs. 2 lakhs would appear to be necessary.

BILL NO. 2 OF 1964

A Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1964.

(2) It shall come into force immediately.

Amendment
of sections 8.

2. For sub-section (3) of section 8 of the Requisitioning and Acquisition of Immovable Property Act, 1952, the following shall be substituted, namely,—

30 of 1952.

“(3) The compensation payable for the acquisition of any property under section 7 shall be the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at time of requisitioning and been sold on the date of acquisition: 10

Provided that in no case the compensation shall be less than twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of requisition.” 15

STATEMENT OF OBJECTS AND REASONS

The compensation payable in respect of property acquired under the Requisitioning and Acquisition of Immovable Property Act, 1952, cannot exceed twice the price of the property if it had been sold on the date of requisition. This causes undue hardship to owners who are not only denied the use of their property but also its market price. It is, therefore, intended to amend sub-section (3) of section 8 of the Act for providing for compensation for an acquired property on the basis of market price on the date of its acquisition.

YASHPAL SINGH.

NEW DELHI;

The 3rd January, 1964.

FINANCIAL MEMORANDUM

The provisions of the Bill, when enacted, will no doubt involve additional expenditure from the Consolidated Fund of India. This will be required for paying the compensation at more reasonable rates. It is, however, not possible to indicate the exact amount required for this purpose. It will depend upon the number of buildings etc. acquired. But to begin with it will suffice if Rs. 10,000/- is set apart for this.

BILL No. 1 OF 1964

A bill further to amend the Parliament (Prevention of Disqualification) Act, 1959.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Parliament (Prevention of Dis- Short title.
qualification) Amendment Act, 1964.

10 of 1959. 5 2. In clause (a) of section 3 of the Parliament (Prevention of Disqualification) Act, 1959, the words "or for any State" shall be ^{Amendment} of section 3
omitted.

STATEMENT OF OBJECTS AND REASONS

The main purpose of the Bill is to prevent a Member of Parliament from becoming a Minister in any State without resigning his seat in Lok Sabha or Rajya Sabha. If he fails to do so, he will incur a disqualification and the President will be moved under article 103 of the Constitution to declare his seat vacant.

NEW DELHI;

The 6th January, 1964.

YASHPAL SINGH.

BILL No. 8 OF 1964

A bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1964. Short title
and com-
mencement.

5 (2) It shall come into force after three months from the date of assent.

2. In article 352 of the Constitution, after clause (2), the following shall be inserted, namely,— Amendment
of article
352.

10 “(2A) A Proclamation so approved shall, unless revoked, cease to operate at the expiration of a period of six months from the date of the passing of the second of the resolutions approving the Proclamation under clause (2):

15 Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall unless revoked, continue in force for a further period of six months from the

date on which under this clause it would otherwise have ceased to operate:

Provided further that if the dissolution of the House of the People takes place during any such period of six months and a resolution approving the continuance in force of such Proclamation has been passed by the Council of States, but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its re-constitution unless before the expiration of the said period of thirty days a resolution approving the continuance in force of the Proclamation has been also passed by the House of the People." 10

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to put a check on the executive by providing for the approval of the Proclamation of Emergency issued by the President under article 352 by resolutions of both Houses of Parliament. This will enable Parliament to judge after every six months whether the extraordinary powers granted to the executive are not misused.

NEW DELHI;
The 6th January, 1964.

YASHPAL SINGH.

M. N. KAUL,
Secretary.

